

ORIGINAL

EDWARD H. KUBO, JR. 2499  
United States Attorney  
District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 17 2008

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THOMAS A. HELPER 5676  
Room 6-100, PJKK Federal Bldg.  
Assistant U.S. Attorney  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
E-mail: tom.helper@usdoj.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	STIPULATION; ORDER
	)	
v.	)	
	)	
MICHAEL CHERTOFF, Secretary,	)	Trial: March 11, 2008
DEPARTMENT OF HOMELAND	)	Judge: Hon. Helen Gillmor
SECURITY,	)	
Defendant.	)	
_____	)	

STIPULATION

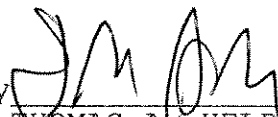
The parties to this action hereby stipulate that plaintiff's contact with an EEO counselor in June 2003 and subsequent filing of a formal EEO complaint in August 2003 was a protected activity. The parties further stipulate that plaintiff's non promotion in August 2003 was an adverse personnel action. Plaintiff need not present additional proof on these elements, and the verdict form need not refer to them.

The parties further stipulate that the following statement should be read to the jury: "Plaintiff left his employment at TSA on November 25, 2003. You should not speculate as to the reasons for that action."


DATED: March 14, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

  
\_\_\_\_\_  
DAPHNE E. BARBEE  
Attorney for Plaintiff

By   
\_\_\_\_\_  
THOMAS A. HELPER  
Attorney U.S. Attorney  
Attorneys for Defendant

APPROVED AND SO ORDERED:

  
\_\_\_\_\_  
HELEN GILLMOR  
United States District Judge

Raymond Ware v. Michael Chertoff; Civil No. 04-00671 HG LEK  
STIPULATION; ORDER